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REMARKS

Claims 1-16 remain in the application.

Claims 1-16 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over Seki (US Patent No. 5,678,229) in view of Katayama Atsushi (JP 411175440 A). The applicant respectfully transverses this rejection.

Seki discloses a battery powered radio modem for a mobile computer that continuously monitors the power of the battery. If the battery powering the radio becomes weak, Seki halts the transmission of data and stores it for transmittal at a later time. If Seki receives bad data because of the weakening battery, the modem is able to determine this and report its findings to the user of the mobile computer. Seki also details the method of recovering from the low battery state where the battery is replaced with a fresh one or it is recharged.

The Examiner brings to attention Katayama, and says that Katayama shows a system that is capable of detecting the power remaining in a battery, calculating the power needed to transmit a piece of electronic mail and deciding to whether or not to transmit the mail before entering a transmission state. Also, the Examiner says that Katayama shows the composing of electronic mail that is to be transmitted while in a wait state, that is associated with a power saving mode. This is not the case.

The abstract of Katayama shows a microcomputer that continuously checks the power remaining in the battery that is powering the transmission of data from the device. There is no mention of making this calculation before the transmittal of data and not leaving the wait state. Katayama says: "The CPU **suspends** transmission of a mail..." The fact that the transmission operation is suspended, means that it had to have been started in the first place.

Regarding claims 2, 5, 10 and 15 of the present invention, claims 2 and 5 state "...wherein the transmission data comprises electronic mail data **created in the wait state**," and claims 10 and 15 state "...further comprising the step of creating electronic mail data as said transmission data **in the wait state**." In Katayama the creation of electronic mail in the wait state is not mentioned.

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Indeed, the creation of electronic mail is never touched upon, much less limited to happening in a wait state. Katayama does not show the necessary aspects to form the present invention when combined with Seki.

Claims 1, 4, 7 and 12 all require that the battery's remaining capacity be compared to a prescribed value before the transmittal of data. No combination of Seki and Katayama is able to show this.

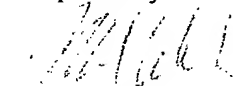
Claims 2, 5, 10 and 15 all require that electronic mail created in the wait state is the data that is being transmitted. No combination of Seki and Katayama is able to show this.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1-16 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.).

Respectfully submitted,



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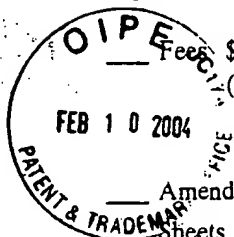


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Docket No. 01750025AA In re: ☒ patent/ ☐ trademark application ofApplicant(s) SuzukiSerial No. 09/774,678 Date Filed 1/30/2001Papers filed herewith on 2/10/04Fees \$ Deposit Account No. (if applicable)
(filing fee; Assignment charge; Extension of Time;
 issue fee/advance copies; other)

<input type="checkbox"/> Amendment	<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Appeal Brief
<input type="checkbox"/> Sheets of <u> </u> Drawings	<input type="checkbox"/> Proposed Drawing Corrections (w/ <u> </u> drawings)	
<input type="checkbox"/> Change of Address	<input type="checkbox"/> Request for Extension of Time	
<input type="checkbox"/> Assignment	<input type="checkbox"/> Recordation Form Cover Sheet	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> PTO-1449 and associated art (<u> </u> docs.)	
<input type="checkbox"/> Priority Document(s)	<input checked="" type="checkbox"/> Other <u>req. for reconsideration</u>	
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